



THE FOLLOWING ORDER
IS APPROVED AND ENTERED
AS THE ORDER OF THIS COURT:

DATED: February 5, 2018

Susan V. Kelley
Susan V. Kelley

Chief United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re
Timothy Krupp and
Tammy Krupp,

Debtors.

Chapter 7
Case No. 17-31545-svk

**ORDER DENYING MOTION TO VACATE ORDER OF DISMISSAL
FOR TIMOTHY KRUPP**

The Court has received and reviewed the Motion to vacate the dismissal and to reinstate this case filed by Debtor Timothy Krupp. Mr. Krupp's case was dismissed on January 18, 2018 for failure to file copies of all payment advices received within 60 days before the filing of the petition as required by Bankruptcy Code § 521(a)(1)(IV). Bankruptcy Code § 521(i) states that if an individual Chapter 7 or Chapter 13 debtor fails to file all of the information required under § 521(a)(1) "within 45 days of the filing of the petition, the case shall be automatically dismissed on the 46th day after the date of the filing of the petition." Since the dismissal is "automatic," this deadline cannot be extended after the deadline has passed.

The Debtor's Motion to Reinstate says that the Debtor was unaware of the requirement, but the requirement to provide pay advices within 45 days of the petition has been part of the Bankruptcy Code since 2005. Moreover, on November 30, 2017, the Clerk served an "Order for Proposed Deficiency" clearly stating that "Local Form 1007 Payment Advice Cover Sheet (with attached pay stubs as appropriate)" was due and had not been filed.

IT IS THEREFORE ORDERED: the Motion to Vacate the Order of Dismissal of Timothy Krupp's case is denied.

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